

ENTERED

January 08, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROBERTO GUAJARDO,

Plaintiff,

VS.

FIESTA MART, LLC,

Defendant.

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CIVIL ACTION NO. H-20-4006

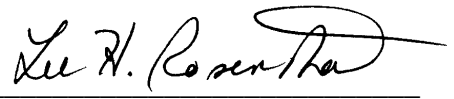
ORDER

Roberto Guajardo sued Fiesta Mart, LLC in Texas state court after allegedly slipping and falling in a Fiesta Mart store. (Docket Entry No. 1-3 at ¶ 11). Fiesta Mart timely removed, invoking diversity jurisdiction. (Docket Entry No. 1). Guajardo filed a motion to remand, arguing that the parties are not diverse. (Docket Entry No. 9).

Diversity jurisdiction requires an amount in controversy over \$75,000 and diverse parties. 28 U.S.C. § 1332(a)(1). Guajardo does not challenge the amount in controversy. The citizenship of a limited liability corporation, like Fiesta Mart, is determined by the citizenship of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

Fiesta Mart filed an affidavit with its notice of removal that set forth its citizenship. (Docket Entry No. 1-9). Fiesta Mart has one member, Bodega Latina Corp., which is incorporated in Delaware and has its principal place of business in California. (*Id.*). Guajardo is a citizen of Texas. (Docket Entry No. 1 at ¶ 9). Because the parties are diverse and the amount in controversy exceeds \$75,000, this court has diversity jurisdiction over this civil action. Guajardo's motion to remand is denied.

SIGNED on January 7, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Lee H. Rosenthal
Chief United States District Judge